

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DYLAN ERIC LANDERS,

Plaintiff,

vs.

SCOTT FRAKES, DIANE SABATKA-RINE, J. BEATY, Research Representative; C. CONNELLY, Intelligence Representative; M. ROTHWELL, Classification Representative; and S. BRYANT, PsyD, Mental Health Representative;

Defendants.

**8:17CV371**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Defendants' Motion to Amend Answer. ([Filing No. 55.](#)) In cases such as this, "a party may amend its pleading only with the opposing party's written consent or the court's leave." [Fed. R. Civ. P. 15\(a\)\(2\).](#) In general, courts should allow pleadings to be amended if it is necessary to further justice and will not prejudice the parties. *See Shen v. Leo A. Daly Co.*, 222 F.3d 472, 478–79 (8th Cir. 2000).

[A] district court can refuse to grant leave to amend a pleading only where it will result in undue delay, bad faith or dilatory motive on the part of the movant, . . . , undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of the amendment.

*Dennis v. Dillard Dep't Stores, Inc.*, 207 F.3d 523, 525 (8th Cir. 2000) (internal quotation marks and citation omitted).

After careful review, the court finds that Defendants' Motion for Leave to File Amended Answer will not cause undue delay or prejudice and is not filed in bad faith. Accordingly, Defendants' Motion to Amend Answer is granted.

IT IS THEREFORE ORDERED that Defendants' Motion to Amend Answer ([filing no. 55](#)) is granted. Defendants must file a signed amended answer by **August 28, 2018**.

Dated this 21st day of August, 2018.

BY THE COURT:

s/ *Richard G. Kopf*  
Senior United States District Judge